IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc.No.59530 -M of 2006

DATE OF DECISION: SEPTEMBER 26, 2006

Smt.Suresh

...PETITIONER

VERSUS

State of Haryana and others

....RESPONDENTS

CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL

Present: Mr. Ashok Kaushik, Advocate,
for the petitioner.

...

The petitioner, who is the complainant, has filed this petition under Section 482 of the Code of Criminal Procedure for issuing direction to the respondents to arrest the accused in case FIR No.217 dated 3.9.2006 registered under Sections 354, 452 and 506 IPC at Police Station Hathin or to transfer the investigation to any other independent agency and further to provide protection to the life of the petitioner from the accused.

In the petition, it has been alleged that the local police is under the influence of the accused and, therefore, is not fairly investigating the matter and not arresting the accused.

After hearing the counsel for the petitioner, I do not find any substance in this petition. It is well settled that no direction for arrest can be issued to the police as has been so held by the Supreme Court in M.C.Abraham and another v. State of Maharashtra and others, (2003) 2 SCC 649 as it is always in the domain of the police to arrest or not to arrest a particular accused. In this petition, no mala fide has been alleged against

the local police and no reason has been given why bias investigation is being conducted by the police.

In view of the aforesaid and keeping in view the nature of the offence and the fact that the instant FIR has been lodged only on 3.9.2006, I am not inclined to issue the aforesaid direction.

Dismissed.

September 26, 2006 (SATISH KUMAR MITTAL)
vkg JUDGE